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Jean-Claude Dufourd

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EXAMINER

DAYE, CHELCIE L

ART UNIT

PAPER NUMBER

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NOTIFICATION DATE

DELIVERY MODE

12/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary	Application No. 10/620,130	Applicant(s) DUFOURD ET AL.	
	Examiner CHELCIE DAYE	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's RCE filed September 29, 2009.
2. Claims 15-30 are presented. No claim added and claims 1-14, 20, and 30 are cancelled.
3. Claims 15-19 and 21-29 are pending.
4. Applicant's arguments filed September 14, 2009, have been fully considered but they are not persuasive.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 29, 2009 has been entered.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 15 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular, independent claims 15 and 26 have been amended to recite "the first digital sequence is based on a ***downstream interaction stream of raw data***". It is unclear to the examiner what the applicant specifically equates to the raw data, as well as exactly what a downstream interaction stream consists of. The examiner believes that the specification does not provide the needed support for disclosing the newly added features listed above, especially with regards to the downstream interaction stream and the raw data. The applicant has also not pointed out within the 'Remarks' (submitted 09/14/09), where such amendments were supported by the specification. Thus, new matter has been incorporated and corrections are needed. In order to further prosecution, the broadest reasonable interpretation will be given to the claim language.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 15-19 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalva (US Patent No. 7,149,770) filed January 29, 1999, in view**

of Liang (US Patent No. 6,766,355) filed October 21, 1998, further in view of Kim (US Patent No. 7,302,464) priority date March 14, 2000.

Regarding Claim 15, Kalva discloses a method for managing interactions between at least one peripheral command device and at least one multimedia application exploiting the standard MPEG-4 for displaying a scene comprising MPEG-4 objects, said peripheral command device delivering digital signals of user interactions as a function of actions of one or more users on said scene comprising:

constructing a first digital sequence having the form of a BIFS node (Binary Form for Scenes in accordance with the standard MPEG-4) (column 4, lines 17-22 and column 5, lines 15-32, Kalva), and wherein the BIFS node further comprises at least a nature of action field and a parameter for action field to be applied to objects of said scene, said node specifying an association between said digital signals of user interactions and the scene objects (column 4, lines 45-50; column 5, lines 19-52; Kalva), and

the nature of action field defines at least one action to be applied to the scene with the parameter of action field, a value of the parameter for action field corresponds to a parameter of said digital signals received from the peripheral command device (columns 7-8, lines 18-25, 67, and 1-15, respectively, Kalva). However, Kalva is not as detailed with the BIFS node comprising one or more updates based on the raw data to modify the scene, executing the first digital

sequence to reflect the one or more updates to modify the scene, and a flag, the status of which enables or prevents the at least one action to be taken into account.

On the other hand, Liang discloses one or more updates based on the raw data to modify the scene (column 6, lines 44-60, Liang)¹, executing the first digital sequence to reflect the one or more updates to modify the scene (column 15, lines 47-50, Liang), and a flag, the status of which enables or prevents the at least one action to be taken into account (column 15, lines 33-36 and 47-65, Liang). Kalva and Liang are analogous art because they are from the same field of endeavor of MPEG-4 standards. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Liang's teachings into the Kalva system. A skilled artisan would have been motivated to combine as a way of monitoring and controlling the actions which may take place on the device. Thereby, allowing the system to be consistent and interactive. However, Kalva in view of Liang, are not as detailed with the first digital sequence is based on a downstream interaction stream of raw data from the peripheral command device.

On the other hand, Kim discloses wherein the first digital sequence is based on a downstream interaction stream of raw data from the peripheral command device (column 7, lines 13-23, Kim)². It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Kim's teachings into the Kalva and Liang system. A skilled artisan would have been

¹ Examiner Notes: Since the BIFS data is a binary format, then the data is clearly "raw" data.

motivated to combine in order to provide an MPEG-4 system which offers bidirectional communication services, thus, allowing the properly handling of multimedia content.

Regarding Claim 16, the combination of Kalva in view of Liang, further in view of Kim, disclose the method further comprising transferring said first digital sequence into a composition memory using a decoding sequence of MPEG-4 systems to introduce the interaction data into a composition device for composing said scene (column 4, lines 51-67, Kalva).

Regarding Claim 17, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein transferring is performed under control of a flow comprising at least one flow descriptor, itself transporting information required for configuration of the decoding sequence with an appropriate decoder (column 4, lines 31-37 and 51-67, Kalva).

Regarding Claim 18, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein the BIFS node comprises a number of variable fields dependent on the form of peripheral command device, and transferring the interaction data of fields of the node to fields of objects of said

² Examiner Notes: Further details about the downstream channel transmitting a scene based on the binary format (i.e. raw data) can be found at col.2, lines 43-46, Kim.

scene is implemented by routes (column 5, lines 46-52 and column 7, lines 41-51, Kalva).

Regarding Claim 19, the combination of Kalva in view of Liang, further in view of Kim, disclose the method further comprising signaling activity of the device (column 8, lines 3-4, Kalva).

Regarding Claim 21, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein signal delivery is performed in the form of a flow indicated by a descriptor, which contains information for configuring a decoding sequence with an appropriate decoder (column 4, lines 61-67 and column 6, lines 5-29, Kalva).

Regarding Claim 22, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein constructing the interaction data sequence is performed in a decoding buffer memory of a multimedia application execution terminal (Fig.2, Kalva).

Regarding Claim 23, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein translation of the interaction data sequence is performed in a decoder equipped with an interface with a composition device for composing said scene similar to an ordinary BIFS

decoder for executing the BIFS- Commands decoded on the scene (column 4, lines 51-67 and columns 8-9, lines 60-67 and 1-2, respectively, Kalva).

Regarding Claim 24, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein flow of user interactions passes through a DMIF client associated with the device that generates access units to be placed in a decoding buffer memory linked to a corresponding decoder (column 4, lines 51-67, Kalva).

Regarding Claim 25, the combination of Kalva in view of Liang, further in view of Kim, disclose the method wherein flow of user interactions enters into a corresponding decoder, either directly, or via an associated decoding buffer memory, thereby shortening the path taken by the user interaction flow (Fig.2, Kalva).

Claims 26-29 have the same subject matter as claims 15-19 and 21-25, and are essentially rejected for the same reasons as discussed above.

Response to Arguments

Applicant's arguments with respect to the newly amended claims, wherein *the first digital sequence is based on a downstream interaction stream of raw data*, has been considered but are moot in view of the new ground(s) of rejection.

Applicant argues, Liang does not disclose that the “BIFS node comprises one or more updates based on the raw data to modify the scene”, as well as execution of the first digital sequence “to reflect the one or more updates to modify the scene”.

Examiner respectfully disagrees. Liang teaches about the updating of a node (col.6, lines 44-60), wherein the MultiUserGroup node is an object based scene description, which allows users to interact with the shared content of the same scene (see col.3, lines 20-30). Also, Liang executes the received modified node (see col.15, lines 47-50). As such, Liang does in fact disclose the newly amended limitation as argued above.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
November 23, 2009

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161